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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,263	10/23/2003	Andrew J. Toti	50604	9072
7590 PHILIP A. DALTON 236 WEST PORTAL AVE. No. 15 SAN FRANCISCO, CA 94127-1423			EXAMINER BOES, TERENCE	
			ART UNIT 3682	PAPER NUMBER
			MAIL DATE 08/11/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/693,263

Applicant(s)

TOTI, ANDREW J.

Examiner

TERENCE BOES

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 and 6, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Renee US 4,759,398.

Renee discloses:

- A rod having a spiral thread configuration (15a)
- A spiral thread follower mounted on the rod (50)
- A handle (57) including a longitudinal cylindrical bore therethrough receiving the cylindrical spiral thread follower and rotatably mounting the handle (handle is capable of rotating, additionally, the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. See MPEP 2114).
- The spiral thread follower further comprising a section (collar) which is exposed relative to the handle (54)

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Regarding claim 2,

- A rotatable load (see "Venetian blind" in abstract)
- A rod having a spiral thread configuration (15a)
- Means connecting the rod to the load (17)
- A cylindrical spiral thread follower mounted on the rod (50)
- A handle (57) including a cylindrical bore therethrough, the handle rotatably mounting the cylindrical spiral thread follower in the cylindrical bore thereof (the cylindrical spiral thread follower is capable of rotating relative to spiral thread follower, additionally, the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. See MPEP 2114).
- The handle being proximate to and exposing the collar (see figure 10)

Regarding claim 3,

- A rotatable shaft (12)
- A rod having a spiral thread configuration (15a)
- A connector connecting the rod to shaft (16)
- A handle device (see figure 10) comprising:

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- A stepped cylinder (50) comprising a collar (54) and a cylindrical tube (see upper instance of 50 in figure 10) having a bottom end (see lower instance of 50 in figure 10)
- The outer diameter of collar being of large dimension relative to the outer diameter of the tube (see figure 10); and the stepped cylinder having a longitudinal axis and having an internally axially-extending bore mounting the stepped cylinder along the rod (see figure 10)
- A handle comprising a member (57) having upper and lower ends, a longitudinal axis and an axial cylindrical bore therein extending to the upper and lower ends thereof,
- The member rotatably mounting the cylindrical tube in the bore thereof (see figure 10) with the relatively large diameter collar protruding from and rotatably seated along the upper end of the member (see figure 10)
- The member and the collar comprising surfaces (55, 53)

Regarding claim 6,

- The bottom end of the tube protruding from the lower end of the member (see lower instance of 50 in figure 10)
- A retainer attached to the bottom end of the tube (51)

Response to Arguments

Applicant's arguments filed 06/16/2008 have been fully considered but they are not persuasive.

2. Applicant argues "Renee does not mention rotation of the body 50 and sleeve 57 relative to one another; (2) the operation of the Renee device requires that the body 50 and sleeve 57 do not rotate relative to one another, and (3) the Renee device is configured so that rotation of the body 50 and sleeve 57 is prevented."

In response, the handle is capable of rotating, additionally, the examiner notes while features of an apparatus may be recited either structurally or functionally, claims directed to >an< apparatus must be distinguished from the prior art in terms of structure rather than function. The reference discloses all claimed structural limitations and therefore anticipates the claim. See MPEP 2114.

3. Applicant argues "The rotatable mounting is defined by and results from these recited structural features. It is submitted the rotatable mounting is thus not functional and that Renee does not teach or suggest the combinations specified in claims 1-3 and 6/3".

In response, rotation is a function. Renee discloses the recited structure and therefore anticipates the reference see MPEP 2114. The apparatus of Renee is capable of rotation.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERENCE BOES whose telephone number is (571)272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. B./
Examiner, Art Unit 3682

/Richard WL Ridley/
Supervisory Patent Examiner, Art Unit 3682